

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

PERNOD RICARD USA, LLC.,

Plaintiff,

v.

BACARDI U.S.A., INC.,

Defendant.

C.A. No. 06-505 (SLR)

DECLARATION OF RAMÓN MARIA ARECHABALA

I, Ramón Maria Arechabala, of full age, hereby declare as follows:

1. I am currently retired. I previously worked in a sales position for a moving and storage company in Miami, Florida.
2. I live in Miami, Florida, and have lived here since 1967.
3. I am 70 years old. I was born on December 31, 1935.
4. I have had health problems in recent years that have made it difficult to travel. I had a quadruple bypass operation in 1989, and I had an operation for an aneurism in my aorta in 2000. I have developed another aneurism, and I was hospitalized for a week in late August of this year with a clot in my lung. I am taking a drug called Coumadin to thin my blood. I have been a smoker for most of my life.
5. Because of my age and health problems, I expect that traveling from Miami to Delaware to testify at trial of this matter would be very difficult.
6. Despite these challenges, I am willing to and would like to provide testimony in this matter about Bacardi's rights in and to the HAVANA CLUB trademark and the

HAVANA CLUB rum recipe that it acquired from my family's company, José Arechabala S.A. ("JASA"). JASA manufactured HAVANA CLUB both in Cuba and in Puerto Rico before 1960. I am privy to my family's secret Arechabala formula for HAVANA CLUB rum, and I am intimately familiar with the history of the HAVANA CLUB mark, the heritage of my family's rum business, and the confiscation of JASA's assets by the Cuban revolutionary government. I also have personal knowledge of the sale of my family's rights in the U.S. HAVANA CLUB mark to the Bacardi company.

7. I am very well acquainted with the following individuals, all of whom are of my generation, and all of whom reside in the Miami area. These individuals all have knowledge, as detailed below, about Bacardi's rights to the HAVANA CLUB trademark. I have spoken to these individuals and understand that they are willing to participate in a trial of this matter, but because they live in the Miami area and are of advanced age, it would be more convenient for them if the trial were in Florida.

A. Enrique J. García Morera, who is older than me, has knowledge about the list of shareholders of JASA as of January 1, 1960, the date the company's facilities were taken over by the Cuban revolutionary government.

B. Hildolidia Pérez Santana, who worked for JASA as assistant to the President and in the Legal Department starting in 1957, knows about the list of shareholders of the company as of January 1, 1960.

C. José Maruri, who is older than me, was a banker and was the general manager or director of the Cárdenas branch of *The Trust Company of Cuba* until 1960. He has long been acquainted with the Arechabala family and knows about the financial condition of JASA when its assets were seized by the Cuban revolutionary government in 1960.

D. Pedro Díaz, an accountant, was an outside auditor of JASA and knows about the financial condition of JASA during the period leading up to the takeover of its facilities in 1960 by the Cuban revolutionary government.

I hereby declare under penalty of perjury that all of the statements made by me herein are true and correct.


RAMON MARIA ARECHABALA

Dated: September 8, 2006

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**


CERTIFICATE OF SERVICE

I hereby certify that on September 13, 2006, I caused to be served by hand delivery the foregoing document and electronically filed the same with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following:

Jack B. Blumenfeld
Rodger D. Smith, II
MORRIS, NICHOLS, ARSHT & TUNNELL LLP
1201 N. Market Street
P.O. Box 1347
Wilmington, DE 19801

I hereby certify that on September 13, 2006, I have sent by Federal Express the foregoing document to the following non-registered participants:

Herbert F. Schwartz
Vincent N. Palladino
Pablo D. Hendler
ROPES & GRAY LLP
1251 Avenue of the Americas
New York, NY 10020



Anne Shea Gaza (#4093)
Gaza@rlf.com
Richards, Layton & Finger, P.A.
One Rodney Square
P.O. Box 551
Wilmington, Delaware 19899
(302) 651-7700